

APR 1/1/2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Attorney's Docket Number: 3804.0139-01
Customer Number: 22852

Prior Application: 08/776,786

Art Unit: 1632

Examiner: S. Priebe



22852

PATENT TRADEMARK OFFICE

SIR: This is a request for filing a Continued Prosecution Application as a:

☒ Continuation or ☐ Divisional application under 37 C.F.R. § 1.53(d) of pending prior nonprovisional application Serial No. 08/776,786 filed May 1, 1997, for ADENOVIRUS COMPRISING A GENE CODING FOR GLUTATHIONE PEROXIDASE.

by the following named inventor(s):

1. Martine BARKATS
2. Jacques MALLET
3. Frédéric REVAH

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. ☐ Enter the Amendment After Final filed on _____, but unentered in the prior application.
2. ☒ A Response Under 37 C.F.R. § 1.111 is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53 (d)(4).

- a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

- b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

4. ☒ The filing fee is calculated on the basis of the claims existing in the prior

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1300 I STREET, N.W.
WASHINGTON, D.C. 20005
202-408-4000

application as amended at 1 and 2 above.

Basic Application Filing Fee					\$690	\$ 690.00
	Number of Claims		Basic	Extra Claims		
Total Claims	10	-	20	0	x \$18	00.00
Independent Claims	1	-	3	0	x \$78	00.00
[] Presentation of Multiple Dep. Claim(s)					+\$260	
Subtotal					\$	690.00
Reduction by ½ if small entity					-	
TOTAL APPLICATION FILING FEE					\$	690.00

5. ☒ A check in the amount of \$690.00 to cover the filing fee is enclosed.
6. ☒ The Commissioner is hereby authorized to charge any fees including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, or credit any overpayment to Deposit Account No. 06-0916.
7. ☐ A verified statement claiming small entity status
 - ☐ is enclosed or ☐ is on file in the prior application.
8. ☒ Priority of application Serial No. FR94/09982, filed August 12, 1994, in France is claimed under 35 U.S.C. § 119. A certified copy
 - ☐ is enclosed or ☒ is on file in the prior application.
9. ☒ The prior application is assigned of record to: Rhône-Poulenc Rorer S.A.
10. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilly, Reg.

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11. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315.
12. ☐ Recognize as associate attorney _____
13. ☐ Also enclosed is _____

PETITION FOR EXTENSION. If any extension of time is necessary for the filing of this application, including any extension in the parent application, serial no.08/913,699, filed September 9, 1997, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate

copy of this paper is enclosed for use in charging the deposit account.

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that any member of the public, who is entitled under the provisions of § 1.14 to access to, copies of, or information concerning either the prior application or any continuing application filed under the provisions of 37 C.F.R. § 1.53(d), may be given similar access to, copies of, or similar information concerning the other application or applications in the file jacket.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: Steven P. O'Connor
Steven P. O'Connor
Reg. No.: 41,225

Dated: April 7, 2000

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